

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
AUGUST 10, 2011**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, Frank DeKort, Jim Heim, Jeff Larsen and Bob Keenan. Marc Pitman had an excused absence. Gene Shellerud and Charles Lapp were absent. Allison Mouch and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 23 people in the audience.

**APPROVAL OF  
MINUTES**

DeKort made a motion, seconded by Cross to approve the July 13, 2011 meeting minutes.

The motion passed by quorum.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

None.

***Jeff Larsen recused himself from the deliberation of FZC 11-02.***

**NODDING  
ONION  
(FZC 11-02)**

A Zone Change request in the Lower Side Zoning District by Nodding Onion, LLC. The proposal would change the zoning on 7.068 acres from I-1H (Light Industrial) to I-2 (Heavy Industrial). The property is located at 980 Demersville Road.

**STAFF REPORT**

Allison Mouch reviewed FZC 11-02 for the board.

**BOARD  
QUESTIONS**

Cross asked why Kalispell wasn't asked for comment.

Mouch said Kalispell was asked, but did not submit any comments.

**APPLICANT  
PRESENTATION**

Zac Andrews, 2150 Riverside Rd, Nodding Onion LLC, said they agreed with the staff report. Originally, they went to the city to hook up to services, but Kalispell did not accept them because a couple of existing buildings on the property did not fit the criteria for services. He said he was available if the board had any questions.

**BOARD  
QUESTIONS**

Cross and Andrews discussed if the applicant was under a current subdivision agreement, what the agreement affected, if the land was already divided and the conditional use permit which was in effect.

**AGENCY  
COMMENTS**

None.

**PUBLIC  
COMMENT**

None.

**APPLICANT  
REBUTTAL**

None.

**STAFF  
REBUTTAL**

None.

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FZC 11-02)**

DeKort made a motion seconded by Heim to adopt staff report FZC 11-02 as findings-of-fact.

**BOARD  
DISCUSSION**

Cross voiced a comment on finding #11. He was not certain the loss of restrictions on paving roads would conserve the value of the land.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZC 11-02)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZC 11-02)**

Heim made a motion seconded by DeKort to adopt Staff Report FZC 11-02 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Cross, Hickey Au-Claire and staff discussed the difference in lot sizes between heavy industrial and light industrial use designations.

**ROLL CALL TO  
RECOMMEND  
APPROVAL OF  
(FZC 11-02)**

On a roll call vote the motion passed unanimously.

**ASHLEY LAKE  
NEIGHBORHOOD  
PLAN  
(FPMA 11-01)**

A request by the Ashley Lake Land Use Advisory Committee to adopt the updated Ashley Lake Neighborhood Plan as an element of the Flathead County Growth Policy. The region is situated roughly halfway between Kila and Marion, approximately 11 miles west of Kalispell.

**STAFF REPORT**

Allison Mouch reviewed FPMA 11-01 for the board.

**BOARD  
QUESTIONS**

None.

**APPLICANT  
PRESENTATION**

Tim Coleman, 4385 Ashley Lake Road, introduced several members of the Ashley Lake LUAC who were present. He gave a history of the application, how many meetings they had held, and how the meetings were noticed. He discussed the lack of businesses on the lake, how the ownership of property was distributed, and the support they had for the application from several people and groups in the area. He also spoke about experts who had spoken to the LUAC on several areas concerning Ashley Lake and issues in the area. He would appreciate the board's support of the application.

Clell Hoffman, 4497 Ashley Lake Road, was proud of the committee in terms of how they tried to involve the community in the process. The original survey conducted in 1997 was almost identical to the survey recently conducted. He discussed the differences between the original plan and the application.

**BOARD  
QUESTIONS**

None.

**AGENCY  
COMMENTS**

Hans Castren, 650 Wolfpack Way, Resource Staff Officer for the Talley Lake Ranger District US Forest Service, Flathead National Forest, said they managed three semi-permanent recreation sites on Ashley Lake and wanted to support approval of the plan.

**PUBLIC  
COMMENT**

John Brendan, 4307 Ashley Lake Rd, had been on the lake since 1943 and was generally against the application.

Robert Windauer, 4657 Ashley Lake Rd, was generally for the application.

Ronald Buentemeier, 2225 Dillon Rd, Columbia Falls, property owner for 45 years, thought there were more issues the board should look into before recommending approval.

Barbara Stout, 4789 Ashley Lake Rd, was generally for the application.

Paul McKenzie, Stoltze Land and Lumber Company, was generally for the application.

Ruth Skaggs, 305 4<sup>th</sup> Ave W, was generally against the application.

Dick Chapin, 4231 Ashley Lake Rd, was generally for the plan.

Marcia Coleman, 4385 Ashley Lake Rd, was generally for the plan.

Al Wroblewski, 3663 Ashley Lake Rd, was generally for the plan.

**APPLICANT  
REBUTTAL**

Coleman said the size of the lots were the same as the original plan. They had to abide by the regulations of Flathead County and septic regulations as to where someone could build, setbacks and septic placement.

Cross, Coleman, Hoffman and a member from the Ashley Lake LUAC discussed the ability of the Ashley Lake LUAC to act as a liaison to public entities for the neighborhood of Ashley Lake and the LUAC's role in the system.

Heim, Coleman and Hoffman discussed the rules and regulations which had yet to be established and the process the plan needed to go through.

Larsen, Coleman, Hoffman and Cross discussed a change in the neighborhood plan concerning multi family ownership plan and why that change had been added.

Coleman commented a lot of the land, once someone traveled away from the lake, was too steep to develop especially with the septic regulations.

Hoffman also added several residents still used lake water as their primary water source and stressed the importance of the quality of the lake.

**STAFF  
REBUTTAL**

Mouch said there were regulations in place based on the 1997 neighborhood plan. Lot density and size was addressed in those regulations. The only modification to the lot size was 1.3.3 which recommended a lot size of one acre. A change to the zoning would follow a text amendment procedure. She went on to explain that procedure. She also wanted to point out under current Ashley Lake Code there were provisions to not disallow infrequent gatherings with families, groups and RVs. She wanted to respond to the comment about meeting cancellations. She could only speak for the meetings which had been held from November on since she took over the management of the process for the Ashley Lake Neighborhood Plan, and say there was one meeting cancelled in January by a decision with her and Grieve because the meeting had not been noticed properly in accordance with the committee's bylaw. She could not speak to the meetings which were held before November. She also said the office tried very hard to have the current drafts of the plan as they became available, available to the public in several different forms.

**BOARD  
DISCUSSION**

Cross and Mouch discussed lot size and density.

Hickey Au-Claire and staff discussed briefly procedure for the application.

**MOTION TO  
RECOMMEND  
APPROVAL BY  
RESOLUTION  
(FPMA 11-01)**

Larsen made a motion seconded by Heim to adopt Staff Report FPMA 11-01 and recommend approval by resolution to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Cross assumed the board was able to make amendments.

Mouch said yes, they were.

**MOTION TO  
(amend Page 20,  
Paragraph 2 and  
Page 43,  
Appendix A)**

Cross made a motion seconded by Larsen to make the following corrections to the Ashley Lake Neighborhood Plan:

**Page 20, Paragraph 2**

"The North Ashley Lake Road is ~~built to County standards for~~ a gravel road from the East Y intersection for approximately 5 miles before it narrows just prior to the U.S. Forest Service boat ramp area. The remainder of North Ashley Lake Road is a mix of fair to poor road surface conditions and is generally rutted and

potholed.”

**Page 43, Appendix A: Summary of Community Survey**

**Results so far:**

- 300 surveys sent... 57 short form returned and 85 long forms
- Over 25 individuals volunteered to work on special projects, water quality or campground host committee
- One third believe we are “growing too fast”, one third “growing rapidly” and one third suggested we have “acceptable growth”.
- ~~Two thirds of respondents live on lakefront~~
- Majority feel the Neighborhood Plan boundaries should not be expanded
- Majority do not see a need for carpools in the near future
- Mail services and trash removal a priority

**BOARD  
DISCUSSION**

None.

**ROLL CALL TO  
(amend Page 20,  
Paragraph 2 and  
Page 43,  
Appendix A)**

On a roll call vote, the motion passed unanimously.

**BOARD  
DISCUSSION**

Larsen and Mouch discussed if she could clarify Bernard Creek running into Ashley Lake and adjust the boundary of the watershed.

Larsen said this was the process he envisioned for an update of a neighborhood plan when he was on the committee for the Growth Policy. He felt the Ashley Lake LUAC did as good a job as possible on keeping the public involved. The updating of the plan was minor revisions, not throwing away the original plan and coming up with a whole new one. He was impressed with the way the LUAC had gone about the process and it set a model as to how neighborhood plan updates should be done.

Hickey Au-Claire wanted to make sure the amount of land Stoltze lumber company owned in the Ashley Lake area was correct.

Cross and Castern discussed if it was a good thing to have the authorization for the LUAC to communicate with federal and state representatives on behalf of the neighborhood.

Heim said ultimately, not much changed with the adoption of this update to the Ashley Lake Neighborhood plan. There was also another public hearing for the public to voice their concerns.

Hickey Au-Claire said the zoning regulations were exactly the same in both plans.

**MOTION TO  
(amend Action  
1.5.4)**

Cross motioned and DeKort seconded to amend 1.5.4 as follows:

“The ALLUAC *can interact* ~~may communicate~~ with state and federal land managers on activities that may affect Ashley Lake *to improve the flow of information to property owners.*”

**BOARD  
DISCUSSION**

None.

**ROLL CALL TO  
(amend Action  
1.5.4)**

On a roll call vote, the motion passed unanimously.

**BOARD  
DISCUSSION**

Mouch read wording she had been working on to rectify the Bernard Creek misrepresentation in the plan.

**MOTION TO  
(amend “Table 1:  
Land Ownership  
Trends”)**

Cross motioned and Larsen seconded to amend “Table 1: Land Ownership Trends” to accurately reflect F.H. Stoltze acreage in 1996 as follows:

<b>Table 1: Land Ownership Trends</b>				
Ownership	1996		2010	
	Acres	Percentage	Acres	Percentage
MT FWP	32	1%	0	0%
Forest Service	1080	20%	1140	21%
Plum Creek	2540	46%	1793	32%
F.H. Stoltze	<del>339</del> 325	6%	325	6%
Private (40 acre + tracts)	440	8%	676	12%

Private (less than 40 ac. Tracts)	1060	19%	1607	29%	54
Total	5491		5529		

The subsidiary motion also included the addition of a footnote to page 9, Figure 2 of the neighborhood plan document as follows:

*Bernard Creek should be represented as incorporated within the watershed boundary of Ashley Lake and draining directly into Ashley Lake.*

**BOARD  
DISCUSSION**

None.

**ROLL CALL TO  
(amend "Table 1:  
Land Ownership  
Trends")**

On a roll call vote, the motion passed unanimously.

**ROLL CALL  
TO  
RECOMMEND  
APPROVAL BY  
RESOLUTION  
OF  
(FPMA 11-01)**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

Hickey Au-Claire and staff explained the procedure the application would follow from this point on.

***The board took a five minute break and returned at 8:02.***

**COMMITTEE  
REPORTS**

Cross updated the board on Committee B's meetings concerning the updating project for the zoning regulations. The committee decided to resolve issues and send them through the process one at a time instead of bundling them together at the hearings. He said Hogle did have approximately five housekeeping issues already listed. He thought one issue would be on the agenda for the board to consider a month. He also discussed publicly initiated zoning text amendments.

Grieve discussed at length the difference between privately and publicly initiated amendments and how they applied to the updating of the zoning regulations.



The board and Grieve discussed how to proceed from this point on concerning the updates, recommended changes and how to notify the whole board what Committee B was planning to discuss in their workshops.

Hickey Au-Claire said Committee A was meeting as a board after the meeting in a Growth Policy workshop.

**OLD BUSINESS** None.

**NEW BUSINESS** Grieve said they had already discussed the item on the agenda under committee reports. He summarized what he planned to report to the commissioners for his monthly meeting.

**ADJOURNMENT** The meeting was adjourned at approximately 8:25 pm. on a motion by Keenan. The next meeting will be held at 6:00 p.m. on September 21, 2011.

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Marie Hickey-AuClaire, Chairman

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Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 9 / 21 / 11*